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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,385	03/19/2004	Lena L. Heidel	HPA-22802/04	7232
25006	7590	01/04/2006	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			DOOLEY, JAMES C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,385

Applicant(s)

HEIDEL, LENA L.

Examiner

James C. Dooley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

In the specification page 6 paragraph 2, the “foot” is given both reference numerals 50 and 60.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “50” has been used to designate both a foot and a recess.

Figures 5 and 8 make reference to distinct items both labeled 50.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rack having two hubs as described in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Daubach et al. (PGPUB 2004/0134870). Daubach et al. disclose a garment drying rack featuring:

- a. A cylindrical hub (1)
- b. At least three legs (2; col. 2 ln. 42-47)
- c. Legs pivotally mounted to hub (pivot,6)
- d. Actuator (8) on hub coacting with legs
- e. Ratchet (34) on legs
- f. Rack gear (36)
- g. A support arm (10) pivotally secured to an outer end of each leg

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daubach as applied to claims 1-5 above, and further in view of Breneman (US, 82,378). Daubach et al. disclose a drying rack having arms pivotally mounted to a hub and movable in unison by means of a ratchet type actuator. Daubach et al. also disclose a support arm (10) pivotally secured to each leg. Daubach et al. do not teach the support nesting within the leg. Breneman teaches a rack having extendable legs(C) and support arms (E) pivotally secured to an outer end of each leg. Breneman also teaches the support arm being nested within the leg when the rack is collapsed. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the legs of Daubach et al. to include a groove in the legs to allow the support arms to nest therein. The motivation would be to increase the compactness of the rack.

Regarding claim 7 the grooves in the legs of Breneman are recesses, which extend through the outer end (see fig. 1). As a function of the nesting feature the groove is dimensioned to receive the free end of the support arm.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daubach et al. and Breneman as applied to claims 6-7 above, and further in view of Stephens (US 183,227). Daubach et al. and Breneman together disclose a garment drier having

legs pivotable about a hub and a support arm nestable inside the legs. Neither Daubach et al. nor Breneman disclose multiple hubs. Stephens discloses two hubs (C C'). Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to include two hubs on the rack of Daubach or Breneman. The motivation to include additional hubs and legs would be to increase the capacity of the rack.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daubach as applied to claims 1-5 above, and further in view of Peterson (US 882,960). Daubach discloses a rack having arms pivotally secured about a hub. Daubach does not teach the rack having a hook on the hub. Peterson teaches a rack having pivotal arms (8) and hook (20) mounted on the hub. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the hub of Daubach to include a hook as taught by Peterson. The motivation to provide a hook would be to facilitate hanging the rack.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daubach alone. Daubach teaches a drying rack as previously discussed. Daubach does not teach providing a plurality of drying racks. It is within the purview of Daubach to produce more than one drying rack. Regarding the means for stacking, any solid object is understood to have a means for stacking, inasmuch that any article can be placed upon any other article. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to produce more than one of the racks described by

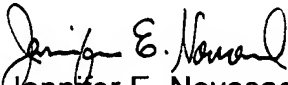
Daubach and to stack the racks. The motivation being that it is well known to store multiple objects by placing them upon each other.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

12/28/2005